

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)
) Case No. 6:24-MJ-04013-1
) (MWP)
 Plaintiff,)
)
 vs.) February 2nd, 2024
) 9:06 a.m.
 TIMOTHY JACKSON, JR.,)
)
 Defendant.)

**TRANSCRIPT OF DETENTION HEARING
BEFORE THE HONORABLE MARIAN W. PAYSON
UNITED STATES MAGISTRATE JUDGE**

APPEARANCES:

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transcript prepared with computer-aided transcription.

1 THE CLERK: Judge Payson presiding. United States v.
2 Timothy Jackson, Jr., 24-mj-4013.

3 THE COURT: Good morning. This matter is scheduled
4 for a detention hearing this morning. I want to note that, in
5 preparation for the detention hearing, I have reviewed a
6 Pretrial Services report. It does recommend Mr. Jackson's
7 detention. It is dated January 26th. Counsel, do you have a
8 copy of that report?

9 MR. VERRILLO: Yes, Judge.

10 MR. MARANGOLA: I do, Your Honor.

11 THE COURT: And I have a letter from Mr. Verrillo
12 that I looked at before our last appearance with some proposed
13 properties identified for posting. That letter is dated
14 January 26th docketed at Document 29. Mr. Marangola, you've
15 seen that?

16 MR. MARANGOLA: I have, Your Honor.

17 THE COURT: Okay. And, Mr. Verrillo, you haven't
18 supplemented this particular letter, correct?

19 MR. VERRILLO: That's correct.

20 THE COURT: Okay. And I have also been given copies
21 of nine letters of support that Mr. Verrillo provided to the
22 Court. Have you seen those, Mr. Marangola?

23 MR. MARANGOLA: I have, Your Honor.

24 THE COURT: Okay. Mr. Verrillo, have you submitted
25 anything else in writing?

1 MR. VERRILLO: No, Judge.

2 THE COURT: Okay. And, Mr. Marangola, you haven't
3 either?

4 MR. MARANGOLA: I have not.

5 THE COURT: Okay. All right. With that said, are
6 both parties prepared to proceed?

7 MR. MARANGOLA: I am, Your Honor.

8 MR. VERRILLO: Yes, Judge.

9 THE COURT: Okay. Go ahead, Mr. Marangola.

10 MR. MARANGOLA: Thank you, Judge. The government is
11 moving for detention of the defendant pursuant to Title 18,
12 United States Code, Section 3141(f)(1)(A), in that the
13 defendant is charged with a crime of violence. The 924(c)
14 offense, as well as the felon in possession of a firearm
15 offense, qualifies as crimes of violence.

16 Under (f)(1)(B), in that the maximum sentence for an
17 offense that he is charged with is life imprisonment, that is
18 the 924(c) offense as well as the 841(b)(1)(A) amount in the
19 conspiracy charge.

20 And, under (f)(1)(C), in that the defendant is charged
21 with a drug offense under the Controlled Substances Act for
22 which there is a sentence of imprisonment of ten years or
23 more; as well as under 3142(f)(2)(A), in that there's a
24 serious risk that the defendant would flee; and under
25 (f)(2)(B), in that there is a serious risk that such person

1 would attempt to obstruct justice or attempt to threaten,
2 intimidate, or -- threaten or intimidate a prospective
3 witness. Those are the statutory bases upon which the
4 government is making its motion today.

5 I would also ask that the Court apply the presumption set
6 forth in 3142(e) of Title 18, which indicates that there is a
7 presumption of both dangerousness as well as risk of flight if
8 probable cause has been established that an offense for which
9 a maximum term of imprisonment of ten years or more is
10 prescribed under the Controlled Substances Act, or an offense
11 under 924(c), both of which are applicable in this case.

12 At this point, I should go right into the (g) factors and
13 starting first with 3142(g)(1), the nature and circumstance of
14 the offenses charged; including, among other things, whether
15 the offenses involve a controlled substance, firearm, or crime
16 of violence. This case involves all three, Your Honor; a
17 crime of violence, multiple controlled substances, and
18 multiple firearms.

19 With regard to the nature and circumstances of the
20 offense, this defendant runs a drug trafficking organization
21 that distributes large quantities of cocaine and fentanyl in
22 the City of Rochester. The investigation has revealed that he
23 uses multiple locations on Angle Street, some of whom are
24 listed in his father's name. These locations are used to
25 store, process, package, and distribute street-level

1 quantities of cocaine, crack cocaine, and fentanyl. There are
2 drug houses on Angle Street, which is a small one-way street
3 off of Lyell Avenue. They are fortified with two by fours,
4 camera surveillance systems, and firearms. Some of them have
5 tents --

6 THE COURT: Can you slow down just a little bit?

7 MR. MARANGOLA: Sure.

8 Some of these locations have tents in the rear yard that
9 have been set up to permit users to immediately consume the
10 drugs that are being sold.

11 During the investigation, the drug trafficking
12 organization switched from different houses on Angle Street.
13 They did that for multiple reasons; including harassment from
14 neighbors, or to thwart police detection. They would set up
15 workers at one location to steer customers to the new location
16 so they wouldn't lose any business.

17 At the houses, workers would either sell drugs, they would
18 report to the higher-ups, including Mr. Jackson, the quantity
19 of drugs sold, the quantity of drugs left for sale and the
20 quantities of cash on hand. The defendant also personally
21 sold larger quantities of cocaine and crack cocaine to
22 mid-level distributors in the City of Rochester.

23 The investigation revealed that the defendant is,
24 unquestionably, the leader and mastermind of this drug
25 trafficking organization. That's essentially an outline of

1 the nature and circumstances of the offense charged.

2 Moving to the second of the (g) factors, the weight of the
3 evidence against the person. The weight of the evidence
4 against Mr. Jackson, I would submit to the Court, is
5 overwhelming.

6 The proof of the conspiracy can be divided up into wiretap
7 calls, surveillance, controlled purchases of narcotics, and
8 search warrant evidence. I'll discuss those four broad
9 categories of evidence, which establishes the existence of the
10 conspiracy and the defendant's participation in that.

11 First, with respect to the wiretap calls of members of
12 this conspiracy, including the defendant, Your Honor has seen
13 the approximately 94-page affidavit underlying the criminal
14 complaint, Judge, and I don't intend to read all of the items
15 in that for the Court that apply to the defendant. I think
16 there's a substantial amount that do, but I would like to
17 highlight some of them.

18 With respect to the wiretap calls, there are calls in
19 which the defendant directs and instructs workers on how he
20 wants his operation run, the consequences of it not running
21 that way, and describing how they will not get caught as long
22 as they operate in the fashion he directs. And I am referring
23 to a call on pages 10 and 11, and I'll just read just a couple
24 experts, if I may, Your Honor, from that. And I apologize for
25 the language in advance. The -- and these are words all from

1 Mr. Jackson: "That's my next phase I was about to explain to
2 you. I mean, we moving on strategic time. We ain't trying to
3 be out doing bullshit. We moving very strategic. Don't
4 nobody really know what we doing. Quick sneak move get the
5 fuck back to what we supposed to get to. Take the money,
6 count everything you got left. Everything. Send me the boy
7 count, the H count, and the money count. When you all got it
8 counted, then I am going to come and get it."

9 And the investigation has revealed that the boy count is a
10 reference to the number of bags of fentanyl that had been
11 sold. The H count is a reference to the bags of cocaine, and
12 the money count is a reference to how much cash is left from
13 the sales. In that call, he's talking to one of the workers
14 in the house and he says, "They still running. Your boy is
15 great at what he do, but the other one" --

16 THE COURT: Sorry, where are you?

17 MR. MARANGOLA: I am in that same call on page 10.

18 THE COURT: Yeah, but in -- right in the middle?

19 MR. MARANGOLA: I am toward the bottom portion of it
20 now, the second portion attributed to Mr. Jackson from the
21 bottom.

22 THE COURT: Okay.

23 MR. VERRILLO: "Your boy is great at what he do, but
24 the other one goofy. I doubt he will be ever great at this
25 type of work because his mind not really on it. See how he

1 sitting here watching this shit right now? He not sitting
2 here watching shit."

3 This type of work, Your Honor, is a reference to the drug
4 dealing operation that he's discussing. He's talking at the
5 bottom portion with this worker stating, "He not on the radio
6 neither. He's nothing -- he's doing nothing. He in la la
7 land. All I can do is throw it up to the cocaine Gods and
8 hope they don't hit that motherfucking house because he ain't
9 ready."

10 I would submit, Your Honor, that he's telling this other
11 person that his friend -- he's hoping that the police don't
12 just hit the house because his friend isn't watching for law
13 enforcement to come to the house, and he's just hoping that
14 they won't come and find the cocaine that they have being sold
15 there.

16 On the next page, on page 11, he talks -- continuing, he
17 states, "You okay, D? You just follow the rules that I gave
18 you of this shit. We ain't ever going to get caught, because
19 that's what we do. We follow the order. I know you fuck up
20 between bags sometimes. I know what the fuck you got going
21 on, but for the most part, [N-word] is on point. Pay
22 attention, [N-word], we can't lose."

23 And then later, in reference to the other worker, he
24 states, "He don't know. Keep the board on the door all the
25 time. Watch the cameras, you know? He cuzzo (phonetic) on

1 speed dial. He don't know that shit."

2 And later in that portion, "They not operating how we
3 operate. That's why I tell y'all, y'all ain't getting paid to
4 babysit. Y'all know how long we been doing this shit? Do you
5 know how smooth we run the program? Man, shit, we running
6 shit a little too smooth. I am starting to think we need to
7 endeavor into some different type of motherfucking hustle,
8 because we kind of satin with this one. We getting invisible,
9 right? Everybody pay attention. Everybody on they job."

10 There's a call on page 16 to 17, Your Honor, where the
11 defendant threatens one of his workers if she quits. Talks
12 about -- he and Mr. Fuller are describing with her what's
13 going to happen to her, telling her, "This ain't about what we
14 have to do. This about what we gonna to do. This not a
15 threat. This just telling you."

16 Later, he talks again about firing another worker and
17 wanting to punch her in the face after arguing with her --
18 with Mr. Fuller about getting paid twice. That call, which I
19 won't go into, is on page 42 through 45. At the end of that
20 call is where, after a long conversation, the defendant says,
21 "Cuzzo, I punch her in her face, man." There's calls where
22 he's asked to and agrees to provide a gun to a worker at a
23 drug house. That's on pages 17 to 18. And then, there's also
24 a call where he's --

25 THE COURT: Hold on. Seventeen to eighteen?

1 MR. MARANGOLA: Yes, Judge. And there's also a call
2 where he's --

3 THE COURT: Hold on. I just want to look at it.

4 MR. MARANGOLA: Sure.

5 THE COURT: Okay.

6 MR. MARANGOLA: And on page 52, he calls up another
7 worker at a drug house to tell them to be on point, be on the
8 look out, because a distributor spot was hit by the police,
9 meaning raided by the police, just that morning on
10 Murray Street. And the location that he's talking about is at
11 423 Murray Street, which is the drug house of one of the
12 distributors that he would sell drugs to.

13 In addition to the wiretap calls, a few of which I have
14 highlighted here, there is surveillance of this defendant.
15 There is live surveillance by police officers. There are --
16 there is pole camera footage. There is GPS data from trackers
17 on vehicles used by this defendant and other members of the
18 conspiracy. They show him meeting for drug deals with members
19 of this conspiracy. They show him entering and leaving the
20 drug locations on Angle Street as well.

21 In addition to the wiretap calls and the surveillance, we
22 have controlled purchases of narcotics from informants from
23 the drug houses in this conspiracy as well as the drug house
24 on Murray Street by one of the mid-level distributors that the
25 defendant supplies. During the investigation from 2021 to the

1 present time, we have over 40 confidential informant buys of
2 drugs from either 19, 49, 69, or 96 Angle Street.

3 In addition, we have controlled informant purchases from
4 one of the distributors that I mentioned who was being
5 supplied by the defendant. Just in the month of January
6 alone, on three separate occasions, a confidential informant
7 contacted a distributor. The distributor immediately
8 contacted the defendant over the wiretap. Those calls were
9 intercepted. The defendant then met the distributor,
10 resupplied him. The distributor then supplied the cocaine to
11 the informant.

12 THE COURT: Are those transactions summarized in the
13 complaint?

14 MR. MARANGOLA: They are.

15 THE COURT: Do you have the paragraph references?

16 MR. MARANGOLA: Sure, Judge.

17 THE COURT: And you said that that was January of
18 this year?

19 MR. MARANGOLA: Yes. Those calls -- those controlled
20 purchases are summarized in paragraphs 219 through 232.

21 THE COURT: Thank you.

22 MR. MARANGOLA: And I will come back to those
23 specific controlled purchases in just a minute. So, we have
24 the wiretap calls, the surveillance, the controlled purchases.
25 And then, with respect to the final category of evidence, the

1 search warrant evidence, Judge. We have evidence from the
2 drug houses, from the coconspirator's houses, and from the
3 defendant's residence itself.

4 The drug houses, let's talk about those for a minute. The
5 drug houses including 96, 69, 49, and 19 Angle Street. At 96
6 Angle Street, law enforcement encountered the barricaded
7 location with surveillance cameras, extension cords running to
8 the backyard, approximately 500 purple capsules containing
9 cocaine, over 800 capsules containing fentanyl, a loaded 25-
10 caliber pistol, over \$1,000 in US currency, and I believe
11 there was a drug worker inside that location.

12 THE COURT: Which one was that?

13 MR. MARANGOLA: That was 96 Angle Street. At
14 49 Angle Street, which also had a surveillance camera system,
15 there were over 800 capsules of crack cocaine, a loaded nine
16 millimeter pistol with a defaced serial number, new and unused
17 plastic bags, and I believe there was also a worker inside
18 that location.

19 At the defendant's residence at 45 Willmont, where he was
20 located when the police entered at 6 a.m., and --

21 THE COURT: Who else was there?

22 MR. MARANGOLA: There was a female that was inside
23 that residence. I don't have her name off the top of my head.
24 The -- just so -- as a little bit of an aside, the defendant
25 indicated in the Pretrial Report that he lived at 121 Bernard

1 Street. During the wiretap investigation, the tracker on his
2 vehicle and the pole camera footage all reflected him staying
3 at 45 Willmont Street overnight, not at 121 Bernard Street, as
4 well as the ping on the wiretap phone that he was using.

5 Inside the defendant's residence at 45 Willmont, law
6 enforcement seized a nine millimeter handgun and ammunition on
7 a closet floor, the bedroom closet floor. They seized --

8 THE COURT: Loaded?

9 MR. MARANGOLA: The -- I believe the clip and the
10 ammunition were next to the gun. I don't believe they were
11 inserted at the time.

12 In addition to the pistol and the ammunition, there was
13 also 20 -- over \$23,000 in US currency at the defendant's
14 residence. In that currency was buy money from one of the
15 controlled purchases from the informant that I just mentioned
16 a few minutes ago. They had marked the serial numbers that
17 the informant had provided to the distributor before the
18 distributor -- before the informant gave it to the
19 distributor, and that money was in the defendant's house,
20 identified by serial number.

21 And, in making that sale -- by the way, as is, I believe,
22 set forth in the criminal complaint, the defendant went right
23 from supplying the distributor to 45 Willmont. There's the
24 money cash -- there's also a money counter, which I would
25 submit to the Court is evidence of a need to count large

1 quantities of cash, which is very consistent with high-level
2 drug trafficking.

3 There was a coat, a City of Rochester coat, inside the
4 residence. And in that coat, there were keys; keys which
5 operated the door locks at 45 Willmont, at 49 Angle Street,
6 the drug house where 800 bags of crack and a gun were, as well
7 as 19 Angle Street, which was used as a drug house during the
8 investigation.

9 There were also keys to the Tahoe, the Chevy Tahoe, that
10 the defendant was observed on surveillance driving throughout
11 the investigation. He drove that vehicle to drug deals. And,
12 in the Tahoe, they searched that vehicle as well. And in the
13 Chevy Tahoe, there were new and unused purple capsules
14 identical to the ones found at different drug locations in the
15 case; hundreds of new and unused capsules in his Chevy Tahoe
16 that this drug trafficking organization used to sell crack
17 cocaine.

18 There were 500 of those purple capsules with crack found
19 at 96 Angle, 200 of those found with crack at 88 Forester
20 Street, another location used in connection with this drug
21 trafficking organization, and 15 of those capsules at the
22 residence of a coconspirator.

23 In addition to that, evidence was found at his residence,
24 the wiretap cell phone. There were multiple cell phones
25 seized from the defendant's residence at Willmont, one of them

1 being the phone that he was intercepted making the calls that
2 I proffered earlier, and other calls throughout the
3 investigation. I think that covers, essentially, Judge, the
4 nature and circumstances of the offense charged and the weight
5 of the evidence against the person. Again, I would submit
6 that those factors support detention of the defendant.

7 Moving to the third factor under 3142(g), the history and
8 characteristics of the person, including his character,
9 physical and --

10 THE COURT: Can I ask you a question before we move
11 to that?

12 MR. MARANGOLA: Sure. Yeah.

13 THE COURT: Maybe you are going to get to this. With
14 respect to the defendant's employment or engagement with the
15 City of Rochester and the Pathways to Peace program, do you
16 have any occasion that there was any relationship between his
17 work in that program and the drug dealing here; that is, that
18 individuals who came into that program were used by
19 Mr. Jackson for drug-dealing activities or recruited for that
20 purposes, solicited for that purpose?

21 MR. MARANGOLA: There was -- that -- those specific
22 connections to that I don't, Your Honor. I am aware from the
23 investigation that there were times where he indicated to
24 either coconspirators or distributors that he was working and
25 he made some derogatory comments about the job, and then met

1 them at locations while he's was working to conduct drug
2 trafficking activity. So, in that sense, there was a
3 connection, but I don't have any proof, at least at this
4 point, that he recruited folks or utilized his position with
5 the City to enhance, if you will. I think that's what the
6 Court's asking, essentially, to enhance or to bet --

7 THE COURT: No. I mean, I am really asking
8 specifically whether any of the individuals that were
9 allegedly working with Mr. Jackson, whether named in the
10 complaint or unnamed in the complaint, have been identified
11 through your investigations as individuals that he met through
12 the program or recruited through the program.

13 MR. MARANGOLA: No, Judge. The short answer to that
14 is I don't have anything that indicates that at this point,
15 Judge.

16 THE COURT: Thank you.

17 MR. MARANGOLA: Should I move onto the third factor?

18 THE COURT: Yes, yes, yes.

19 MR. MARANGOLA: Okay. The history and
20 characteristics of the defendant is the third character -- is
21 the third factor. And it sets forth a number of items in A
22 and B; character, prior employment, record concerning court
23 appearances. And, with respect to that, Judge, the Court has
24 a Pretrial Services report, which reflects that Timothy
25 Jackson is a two-time convicted felon for his convictions

1 involving both narcotics trafficking and firearms offenses,
2 exactly the same type of conduct we have here, although the --
3 he has a prior drug felony, which is set forth. And then --
4 which he only did a year on, it looks like. And that
5 satisfied a couple of other dispositions back in 2000. And
6 then, the misdemeanor charge or conviction in 2003, another
7 one in 2004.

8 And then, in 2005, he has his first violent felony
9 conviction. That's for criminal possession of a weapon with
10 intent to use unlawfully -- possession of a loaded weapon and
11 reckless endangerment. The facts of that case are sort of
12 summarized briefly. It is a drive-by shooting in which the
13 defendant and other gang members were arrested in possession
14 of six guns, including an AK-47, after pulling up at a house
15 on Shelter Street, stopping, firing numerous rounds into the
16 house and pulling off.

17 The driver was wearing a bullet-proof vest. I think one
18 of two other individuals were wearing bullet-proof vests, and
19 the defendant was also a participant in that event. That's
20 what he pled guilty to and that's what he was sentenced to 15
21 years in state prison for back in 2005. The defendant was
22 released in 2016. And, within several months, he committed a
23 violation of parole based on a new crime for which he was
24 convicted and returned to prison. And then --

25 THE COURT: Can I ask you, I was looking at that. Is

1 it your assumption that parole was revoked based on the
2 subsequent criminal conduct or do you know that, that that was
3 the basis of the revocation?

4 MR. MARANGOLA: I don't know that, Judge. Maybe
5 there was another violation as well, but I know that he has an
6 arrest and a conviction during that time and was returned to
7 jail during that same time. He was not discharged from parole
8 until 2022 it appears.

9 So, therefore, he was committing this offense while he was
10 under parole supervision, which I would submit to the Court is
11 an indicator of a far more dangerous individual who is willing
12 to commit crime while under a criminal justice sentence, and I
13 would point that out to the Court.

14 There were also -- I know some of these are sold, so I
15 wasn't going to belabor them, but there are prior bench
16 warrants, it looks like, in his past as well. But,
17 essentially, you have a man with a very serious criminal
18 history before you charged with very serious crimes.

19 The nature and seriousness of the danger to the community
20 is the fourth factor under 3142(g). I would submit to the
21 Court that the evidence in this case has shown that this
22 defendant is a danger to the community and that he would be a
23 danger if he were released. That's based on the repeated
24 ongoing sales of lethal drugs that he has been engaged in over
25 a period of years; that -- his repeated, ongoing, illegal

1 firearms possession that he is involved in, I think there were
2 over a dozen firearms seized on the takedown of this case in
3 January -- on January 17th, 2024.

4 I would submit to the Court that with the age of this
5 defendant, and the fact that he has received misdemeanor
6 convictions, that didn't change his criminal ways. Felony
7 convictions, short prison sentences, and even a very long
8 prison sentence, and he's chosen to return to a life of crime.
9 I'm submitting to the Court that he can't be trusted to not
10 return to a life of crime if he is on the streets again.

11 I would note that the Pretrial Services report also
12 recommends detention, notes that multiple charges in his past
13 have been committed while on parole or while other charges
14 were pending. And I would also note that the -- it looks like
15 from -- that he has, according to the financial affidavit, he
16 submitted about \$300 a month left in expenses. That would
17 take a long time to save up \$23,000 in cash, Judge.

18 I think that the evidence in the case shows that that
19 money is derived from his illegal activity and that a person
20 who has a substantial portion of their livelihood derived from
21 illegal activity presents a very serious danger to the
22 community.

23 With respect to the danger, I would also ask that the
24 Court consider the Second Circuit holding in *Leon* and other
25 cases describing how the danger to the community encompassed

1 within the Bail Reform Act certainly includes the dangers of
2 narcotics trafficking and, in this case, street-level armed
3 narcotics trafficking.

4 So, I don't believe at this point, Judge, I have anything
5 else. I might have some rebuttal depending on Mr. Verrillo's
6 presentation or unless the Court has further questions.

7 THE COURT: Yeah. The one question I wanted to ask,
8 I know the complaint charges a conspiracy from in or about
9 2021 to January 17, 2024. You mentioned that he was on parole
10 during some portion of that. That is, as counsel knows, a
11 consideration that the Court weighs. Can you tell me,
12 specifically, what activities you have evidence of involving
13 the defendant or some activities prior to February 26th, 2022?

14 MR. MARANGOLA: We have -- there are drug sales,
15 confidential informant buys from the drug houses on
16 Angle Street before that date showing that the operation was
17 in effect before February of '22. I think they go back to, I
18 think it's October of '21, maybe, was approximately the
19 beginning of the controlled buys on Angle Street from the
20 operation. So, that's some of the proof of the ongoing nature
21 of it --

22 THE COURT: All right.

23 MR. MARANGOLA: -- before the February of '22.

24 THE COURT: Thank you. Mr. Verrillo?

25 MR. VERRILLO: Thank you, Judge. Mr. Jackson is 46

1 years old, has four children, is a lifelong resident of
2 Rochester, and he has a great deal of family support. As the
3 Court knows, he has had family members at court both the last
4 time and then here as well. So, he has a great deal of family
5 support. His father and mother live on Bernard Street and we
6 have provided a number of letters on his behalf. He had been
7 working as an outreach specialist at the City of Rochester at
8 the time of his arrest.

9 Under the statute, the Court recognizes that Mr. Jackson
10 is presumed to be innocent of the charges. I do want to note
11 that. The government makes two claims. First, it claims that
12 Mr. Jackson is a flight risk. He's been a lifetime resident
13 of Rochester. He has no other place to go, and hasn't lived
14 anywhere else. The record is very clear that this is his
15 home, and his family is here.

16 The government claims that Mr. Jackson is involved in five
17 kilos or more of cocaine and a substantial amount of fentanyl.
18 But, if you read the complaint and the allegations, if you
19 read it based on the face of what is in the papers, it talks
20 about small-time transactions; \$2 bags, \$5 bags of cocaine,
21 not kilos.

22 There were no drugs found on the defendant. There were no
23 controlled transactions with the defendant. The tapes are
24 subject to interpretation by the law enforcement, what they
25 believe is being said, but there's no personal knowledge or

1 personal connection with Mr. Jackson.

2 The property at 45 Willmont Street was the tenancy of
3 Melanie White, who was charged in state court. Mr. Jackson
4 initially was charged in state court on this event. It's not
5 Mr. Jackson's residence. He's a guest there. He has been a
6 guest there. My understanding is there's one or two other
7 adults who reside there. There's a dispute that the weapon is
8 Mr. Jackson's or that he had control or possession of it.

9 The \$23,000 that was at the property we would represent
10 was income or money from the rental business. And my
11 understanding is, from the complaint, that there were a number
12 of documents at the property that had Mr. Jackson's name or
13 his family's name on it. My understanding is that there were
14 some records related to a property management account, and we
15 would represent that that was an accumulation of money,
16 essentially, through the rental properties.

17 During the time of the alleged conspiracy, there's no
18 proof of any act of violence towards anyone by Mr. Jackson.
19 No discharge of a weapon during the alleged conspiracy. I
20 want to reference the items -- some of the items that
21 Mr. Marangola referenced.

22 He talks about the alleged incident with Felicia, who is a
23 long-term friend of the defendant. He's allegedly suggesting
24 that he's going to harm her. Well, first of all, she wasn't
25 harmed. There's no evidence that she was harmed. My

1 understanding is the tone and text of the call, which I have
2 not heard the tape, was that there was a kidding and laughing
3 and it was a joking nature. So, we dispute the claims about
4 that.

5 There's another incident where someone is upset because
6 their aunt's house was hit. And there's no evidence that
7 Mr. Jackson brought a gun to this individual. And our
8 position is that he actually calmed the person down so that
9 there would be no incident with any third party. And we would
10 dispute the rest of the government's allegations with respect
11 to the complaint.

12 Prior felony record that is talked about is almost over 18
13 years ago. And there's been no, as I say, no shootings by
14 Mr. Jackson or any claim that he physically assaulted anyone
15 since his release.

16 The Court has nine letters, character letters, from
17 individuals. I am just going to summarize a few of them,
18 people that know Mr. Jackson. Deacon Carlos refers to him as
19 a good person, goal-oriented. Ms. Givens is a retired teacher
20 and church member, the defendant is patient and caring,
21 devoted to his family. Ms. House is a fellow worker with the
22 City of Rochester. Her experience is that Mr. Jackson has
23 helped many youth and he's compassionate and caring.
24 Ms. Peals is a state social worker and says Mr. Jackson is
25 kind and generous. Ms. Gordon, he's honest, hardworking and

1 responsible.

2 Judge, I think there are reasonable terms and conditions
3 based on this history for Mr. Jackson. His parents are here
4 in the front row. Mr. Jackson's dad owns the three rental
5 properties. As you can see, he obviously has a lot of family
6 connections and support. The rental property is significant,
7 not only for its value, but because it generates income. So
8 it's important to him in terms of the value of the rental
9 properties.

10 I have provided the assessed values. There's 332 Harvest
11 Street, which has the -- and as the Court may know, the City
12 recently reassessed properties. Three thirty-two Harvest
13 Street is 53,800. Forty-nine Angle Street is 47,800.
14 Nineteen Angle Street is 55,000. That's quite a significant
15 amount of value; over \$150,000 of properties. He does want to
16 move and reside with his parents at Bernard Street. We have
17 no objection to monitoring, curfew.

18 I don't know what his employment status would be. He was
19 working at the City but, obviously, assumption is he be
20 gainfully employed. And obviously, you know, it's important
21 for our defense that he have full involvement in his case.
22 So, we're at an early stage, obviously, in this matter, but
23 that's our position, and we'd ask the Court to set reasonable
24 terms and conditions for bail.

25 THE COURT: Mr. Marangola?

1 MR. MARANGOLA: Judge, just on the -- to respond on
2 the suggestion about the rental properties. I guess, first, I
3 would submit that posting those properties is not terribly
4 significant in that it's not the defendant's father that would
5 lose his house or his residence if the defendant didn't show.
6 It would be somebody else who he was renting from. And,
7 second of all, I can't remember if 49 was one of the
8 properties.

9 THE COURT: Yes.

10 MR. MARANGOLA: Forty-nine Angle Street was one of
11 the drug houses the defendant was using. So, putting up the
12 drug house as collateral when you are charged with using that
13 location to sell drugs I would submit is -- should not be
14 given much weight. And finally, posting of that property,
15 even if the Court were to consider it, certainly does not
16 address the dangerousness, which I think has been established
17 by this defendant.

18 THE COURT: There was a reference that Mr. Verrillo
19 made that the amounts of drugs at issue are sort of small-time
20 quantities and not kilogram quantities.

21 MR. MARANGOLA: Sure.

22 THE COURT: What is the government's response to
23 that?

24 MR. MARANGOLA: Judge, the majority of the sales the
25 defendant's organization was involved in were small

1 quantities. That's exactly right. They were mostly five,
2 ten, two hundred dollars worth of drugs. He himself sold 62-
3 gram quantities, which is certainly larger, but the ongoing
4 repeated sales of street-level drug quantities is an extreme
5 danger to this community. Coupled with firearms, Judge, we
6 see it every day; the lethal combination of street-level armed
7 drug trafficking.

8 The defendant was obtaining kilogram quantities. He was
9 not distributing them as kilograms. They were breaking them
10 down, cooking them into crack and others, and having other
11 individuals package and process them for the street-level sale
12 at multiple locations to increase their profit and to prevent
13 themselves from being --

14 THE COURT: And is there a reference in the complaint
15 to kilogram quantities?

16 MR. MARANGOLA: Yes, Judge. There is.

17 THE COURT: Obtained and distributed for breaking up
18 and selling in smaller quantities?

19 MR. MARANGOLA: Yes. There are calls along those
20 lines. There's calls, Judge, with respect to fentanyl. I
21 believe there is one call describing where an individual is
22 asking -- I think it was the defendant asking for 250 grams
23 fentanyl to be sold to him. So, considering that the weight
24 of a dose of fentanyl, which, as the Court knows, can be
25 lethal just to the touch, is in the tenth of a gram, 250 grams

1 of fentanyl is an extraordinary amount of that lethal drug.
2 So, the defendant was moving large quantities just through
3 frequent, ongoing, repeated sales to individuals at these
4 locations.

5 The -- I don't disagree that, based on the defense
6 proffer, that he has ties to the community because he's been
7 in this area a long time. In terms of, you know, the notion
8 that he's not violent or hasn't been engaged in violence,
9 Judge, there is an additional wiretap call. It's not set
10 forth in the criminal complaint, but I did send Mr. Verrillo a
11 copy of a draft of that transcript.

12 And, in this wiretap call, Mr. Jackson is talking to
13 Mr. Fuller about engaging in a home invasion. And it's
14 chilling the detail that he puts in, the plan that he puts
15 together, and all of the considerations that he mentions to
16 Mr. Fuller in perpetrating this.

17 And I'll read -- I can submit a draft copy to the Court as
18 an exhibit. I can read a couple of the excerpts from it. He
19 states, "I got the craziest blueprint. We can make this shit
20 mad simple." He's essentially talking about getting an
21 individual outside of his business, as well as having other
22 people at the person's residence, where his wife or girlfriend
23 and their child are, and telling the person, we have them. We
24 know where you live. Tell us where the drugs or money are
25 that we're going to be looking for, otherwise we're going to

1 harm you and the people at your house are already going to be
2 in harm.

3 He states, "We going to make this shit mad simple. They
4 bust a move and they get the" -- I'll just use N to reference
5 the word that he repeats throughout this -- "and they get the
6 [N] in there. They then tell the [N] straight up they going
7 to scream out the addy" -- meaning the address -- "they going
8 to tell the [N] we already got people at the crib. We got the
9 girl and the baby already, and they about to put the baby in
10 the oven. And then if he don't, he don't tell us where
11 everything is at, we turning it on. It already is, so get to
12 talking."

13 He states, "I am saying once we get the [N], we going to
14 tell the [N] just tell us where everything is at. People are
15 already in the crib and such and such. On the back street,
16 [N], we already there. So, just tell us what we need to know
17 and everybody go home. Baby going in the oven right now, so
18 get to talking." And then he states, "Because now when we
19 pull up, we already know where -- we already know what we
20 going looking for, but of course we still going to flip that
21 bitch, but he going to tell us."

22 And then, he's telling Mr. Fuller, "There's cameras on
23 that fucking street. And when I say every motherfucking
24 house, I mean every motherfucking house. It's only one
25 fucking house there that don't got a camera. So, [N] can use

1 that house as the line so they going to cut through the yard
2 and shit. So y'all finna (phonetic) and the yards is mad
3 open. Y'all don't got no cover. I know it's going to be dark
4 as a bitch, but ain't no cover, ain't nowhere to run, ain't
5 nowhere to run. You ain't going to be able to get to your
6 car. There's nowhere to park your car."

7 Judge, the letters talk about the defendant's character.
8 I would submit that that call speaks quite a bit to the
9 defendant's character and his willingness to victimize
10 individuals in this community, and would ask that the Court
11 detain the defendant on danger as well as risk of flight.
12 Thank you.

13 THE COURT: Mr. Verrillo, you did receive that
14 transcript?

15 MR. VERRILLO: Yes, Judge. I did want to comment on
16 it. I just received it late yesterday and I, thankfully, I
17 was able to talk to my client for a few minutes before court
18 on this. The transcript is dated January 3rd. Alleged -- the
19 call. And it talks about something involving a third party.
20 Doesn't say they're going to invade anybody or kidnap anybody.
21 But, again, the problem is the government is interpreting
22 phone calls, not having anyone with personal knowledge of
23 this, no corroboration. There's no event that occurred, no
24 one is -- I don't believe there's any claim that someone was
25 invaded or kidnapped.

1 There's a discussion that takes place about a third party.
2 So, that's what we have. We have nothing in terms of any
3 corroboration, anything happening, anybody being attacked.
4 So, that's all I can say about it. I, again, just getting it.
5 I did want to say one other thing.

6 THE COURT: Yes.

7 MR. VERRILLO: There's a claim about -- I think,
8 Mr. Marangola is talking about this Candalario Lopez
9 individual, where there's a discussion about getting some
10 drugs, allegedly. And it talks -- at one point, it refers to
11 a key. It says key or something to that effect. And, if you
12 accept the transcript, it says that the individual, allegedly
13 Mr. Jackson, says no, I don't want that. And then there's a
14 reference to a hundred. Now, it's unclear whether a hundred
15 is baggies, a hundred is grams, what have you.

16 THE COURT: Right.

17 MR. VERRILLO: But that's what it says. So, I just,
18 you know, again, having handled many of these cases, and the
19 Court has usually -- I shouldn't say usually, but commonly,
20 when someone is moving kilos, there's other evidence. There's
21 cash, significant cash. Not, you know, in my opinion, there's
22 a significant amount of drugs, so forth. So, I haven't seen
23 that so far, and I think that's something the Court should
24 consider.

25 They have been investigating Mr. Jackson for at least,

1 what, for a number of months? Or, actually, from October --
2 of November of '21 would be, what, a year and a number of
3 months. And they have been tracking him. And I think the
4 Court should consider that. They've been tracking him and
5 following or whatever they have been doing. This is what they
6 have. And so, I think the Court has to weigh that as well.

7 THE COURT: I would like to review the call which the
8 government interprets as a threat to a worker if she quits,
9 that the defendant says, if you listen to it, you can tell
10 it's jah killer (phonetic). I'd like to listen to that,
11 Mr. Marangola, and I would also like to listen to the call
12 that you just referenced, as well as look at the government's
13 transcript of that call. I'll review those calls, make a
14 determination.

15 The record should reflect that I have carefully reviewed
16 the letters that have been submitted by the defense. I did
17 that before taking the bench. I am familiar with what they
18 say. I will review the additional calls after I receive them
19 from the government, which I assume will probably be today
20 or -- today or Monday, and consider the matter further.

21 I think the government has, frankly, has a very strong
22 case for detention, not on risk of flight, on dangerousness.
23 At least that's my assessment, but I do want to give it
24 further consideration and I want to consider these calls as
25 well as the defense's proffer that the call between --

1 allegedly between Mr. Jackson, Mr. Fuller, and another
2 defendant was not intended to be taken seriously what is being
3 discussed.

4 Mr. Verrillo, put aside the issue of the government's
5 detention motion and when I am ready to render a decision on
6 that, tell me what you would like to do. Would you like a
7 preliminary hearing or a further status conference?

8 MR. VERRILLO: Judge, I did get some discovery from
9 the government. I don't know if there's more coming, but
10 mainly calls, you know, the calls and so forth. So, I have
11 obviously focused on the calls related to -- allegedly related
12 to my client. So, what I am thinking is -- if I could just
13 have one -- I think, Judge, if we had a status within 45 days
14 or so, hoping I can get through whatever discovery we have and
15 then see where we're at. And I would reserve on a preliminary
16 hearing at this point.

17 THE COURT: Okay. All right. Let me go ahead and
18 get that status conference in the books and I'll call you back
19 when I am ready to render a decision on the government's
20 motion for detention. Unless, for any reason, Mr. Verrillo,
21 there's any application for me to hold off on making a
22 decision, but I expect that you would want a decision, even if
23 adverse to Mr. Jackson, you would have the opportunity to seek
24 review of that. But should you have a different view of that,
25 you can let me know. You know what my -- at least my

1 preliminary thinking is. Okay. So, let's see. How about
2 March 20th at 9 o'clock?

3 MR. VERRILLO: That's okay with me, Judge. Yes.

4 MR. MARANGOLA: That that's fine with me, Judge.

5 THE COURT: All right. We'll put it on for status
6 March 20th at 9 o'clock. And, Mr. Verrillo, you asking for an
7 interest of justice exclusion between today and March 20th?

8 MR. VERRILLO: Yes.

9 MR. MARANGOLA: Government joins that request and I
10 am sure there will be some additional voluntary discovery
11 that's provided.

12 THE COURT: Okay. Time is excluded between today and
13 March 20th in the interest of justice between -- excuse me --
14 in the interest of justice under 18 USC, Section 3161(H) (7).

15 I find Mr. Jackson's interest, the government's interest,
16 and the public's interest in both a speedy indictment and a
17 speedy trial are outweighed by Mr. Jackson's interest in
18 having enough time to discuss the charges more fully with
19 Mr. Verrillo, and especially to allow the defense time to
20 continue their review of voluminous discovery relating to the
21 charges, the wiretap evidence, there may be surveillance
22 evidence as well and other evidence, to allow Mr. Jackson to
23 discuss that with Mr. Verrillo, obtain Mr. Verrillo's advice
24 about how to proceed and consider whether to ask for a
25 preliminary hearing.

1 (Proceedings concluded at 9:59 a.m.)
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CERTIFICATE OF TRANSCRIBER

In accordance with 28, USC, 753(b), I certify that this is a true and correct record of the proceedings held in the United States District Court for the Western District of New York before Judge Marian W. Payson, on February 2nd, 2024.

s/ Megan E. Pelka, RPR

Megan E. Pelka, RPR

Transcriber